

# **ANNUAL SYNAR REPORT**

**42 U.S.C. 300x-26**

OMB № 0930-0222

**FFY 2013**

**State: RI**

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## INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project; 1 Choke Cherry Road, 7th Floor Rockville, Maryland 20857.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 05-31-2013.

### **How the Synar report helps the Center for Substance Abuse Prevention**

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2012 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2013 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States<sup>1</sup> by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and onsite technical assistance consultation.

### **How the Synar report can help States**

The information gathered for the Synar report can help States describe and analyze substate needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

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<sup>1</sup>The term “State” is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

## Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or email. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1422.

## Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2012. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

The State must upload one copy of the ASR using the online WebBGAS (Block Grant Application System). In addition, the following items must be uploaded to WebBGAS:

- FFY 2013 Synar Survey Results: States that use the Synar Survey Estimation System (SSES) must upload one copy of SSES Tables 1–5 (in Excel) to WebBGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4, and 5, and Forms 2 and 3, if applicable, (in Excel) to WebBGAS.
- Synar Inspection Form: States must upload one blank copy of the inspection form used to record the result of each Synar inspection.
- Synar Inspection Protocol: States must upload a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections.

Each State SSA Director has been emailed a login ID and password to log onto the Synar section of the WebBGAS site.

Additionally, the State must submit one signed original of the report (including the signed Funding Agreements/Certifications), as well as one additional copy of the signed Funding Agreements/Certifications, to the Grants Management Officer at the address below:

Grants Management Officer  
Office of Program Services  
Division of Grants Management  
Substance Abuse and Mental Health Services Administration

### Regular Mail:

1 Choke Cherry Road, Rm.7-1091  
Rockville, Maryland 20857

### Overnight Mail:

1 Choke Cherry Road, Rm.7-1091  
Rockville, Maryland 20850

## FFY 2013: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

### PUBLIC HEALTH SERVICES ACT AND SYNAR AMENDMENT

42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.

### SYNAR SURVEY SAMPLING METHODOLOGY

The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2013 is up-to-date and approved by the Center for Substance Abuse Prevention.

### SYNAR SURVEY INSPECTION PROTOCOL

The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2013 is up-to-date and approved by the Center for Substance Abuse Prevention.

**State:** RI

**Name of Chief Executive Officer or Designee:** Craig S. Stenning

**Signature of CEO or Designee:**

Director, RI Department of Behavioral Healthcare,  
**Title:** Developmental Disabilities and Hospitals

**Date Signed:** 12/20/12

**If signed by a designee, a copy of the designation must be attached.**

## SECTION I: FFY 2012 (Compliance Progress)

### YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. If any changes were made to the State law(s) since the last reporting year, please attach a photocopy of the law to the hard copy of the ASR and also upload a copy of the State law to WebBGAS. (see 42 U.S.C. 300x-26).**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

*If Yes, current minimum age:* ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? ☐ Yes ☒ No**

*If Yes, indicate change. (Check all that apply.)*

- ☐ Changed to require that law enforcement conduct inspections of tobacco outlets  
☐ Changed to make it illegal for youth to possess, purchase or receive tobacco  
☐ Changed to require ID to purchase tobacco  
☐ Other change(s) (Please describe.) \_\_\_\_\_

- c. Have there been any changes in the law concerning *vending machines*?**

☐ Yes ☒ No

*If Yes, indicate change. (Check all that apply.)*

- ☐ Total ban enacted  
☐ Banned from location(s) accessible to youth  
☐ Locking device or supervision required  
☐ Other change(s) (Please describe.) \_\_\_\_\_

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sales to minors ☐ Yes ☒ No

- 2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State prior to submission of the ASR. (Check all that apply.)**

- ☐ Placed on file for public review  
☐ Posted on a State agency Web site (Please provide exact Web address and the date when the FFY 2013 ASR was posted to this Web address.) \_\_\_\_\_

- ☐ Notice published in a newspaper or newsletter
- ☐ Public hearing
- ☐ Announced in a news release, a press conference, or discussed in a media interview
- ☐ Distributed for review as part of the SAPT Block Grant application process
- ☐ Distributed through the public library system
- ☐ Published in an annual register
- ☒ Other (Please describe.) disseminated to prevention provider network for comment

**3. Identify the following agency or agencies (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).**

**a. The State agency(ies) designated by the Governor for oversight of the Synar requirements:**

Dept. of Behavioral Healthcare, Developmental Disabilities and Hospitals

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

**b. The State agency(ies) responsible for conducting random, unannounced Synar inspections:**

Dept. of Behavioral Healthcare, Developmental Disabilities and Hospitals

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

**c. The State agency(ies) responsible for enforcing youth tobacco access law(s):**

Dept. of Behavioral Healthcare, Developmental Disabilities and Hospitals

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

**4. Identify the State agency responsible for tobacco prevention activities (the agency that receives the Centers for Disease Control and Prevention's National Tobacco Control Program funding).**

RI Department of Health

Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

**a. Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies**

- ☐ Are the same
- ☐ Have a formal written memorandum of agreement
- ☒ Have an informal partnership
- ☒ Conduct joint planning activities
- ☒ Combine resources
- ☐ Have other collaborative arrangement(s) (Please describe.) \_\_\_\_\_

**5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2012 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).**

**a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only.)**

- ☒ Enforcement is conducted exclusively by local law enforcement agencies.  
☐ Enforcement is conducted exclusively by State agency(ies).  
☐ Enforcement is conducted by both local *and* State agencies.

**b. The following items concern penalties imposed for violations of youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES. Please fill in the number requested. If State law does not allow for an item, please mark "NA" (not applicable). If a response for an item is unknown, please mark "UNK." The chart must be filled in completely.**

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>	95		95
Number of <u>finest assessed</u>	93		93
Number of <u>permits/licenses suspended</u>	1		1
Number of <u>permits/licenses revoked</u>	0		0
Other (Please describe.)			

**c. Which one of the following best describes the level of enforcement of youth access to tobacco laws carried out in your State? (Check one category only.)**

- ☐ Enforcement is conducted only at those outlets randomly selected for the Synar survey.  
☐ Enforcement is conducted only at a subset of outlets not randomly selected for the Synar survey.  
☒ Enforcement is conducted at a combination of outlets randomly selected for the Synar survey and outlets not randomly selected for the Synar survey.

**d. Did every tobacco outlet in the State receive at least one enforcement compliance check in the last year?**

- ☐ Yes  
☒ No

**e. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply.)**

- ☒ Merchant education and/or training  
☒ Incentives for merchants who are in compliance (e.g., nonenforcement compliance checks in which compliant retailers are given positive reinforcement and noncompliant retailers are warned about youth access laws)



- ☒ Community education regarding youth access laws
- ☒ Media use to publicize compliance inspection results
- ☒ Community mobilization to increase support for retailer compliance with youth access laws
- ☒ Other activities (*Please list.*) \_\_\_\_\_

*Briefly describe all checked activities:*

In FY 2012, the community substance abuse prevention coalitions created under the Rhode Island Substance Abuse Prevention Act of 1987 (RISAPA task forces) continued to advocate for police participation in the Synar Survey as well as for ongoing enforcement efforts. Coalitions recruited youth volunteers who attempted to purchase tobacco products from retail vendors. In several communities, coalitions distributed information regarding youth access restrictions and smoking prevention materials to retail tobacco vendors to increase compliance with the youth access to tobacco law and made public the results of both the annual local Synar Survey and ongoing enforcement efforts. In conjunction with local police departments, some coalitions also sent congratulatory letters to vendors found to be in compliance with the youth access statute as a result of on-going compliance checks as well as letters encouraging violators to comply with the statute.

Several municipalities have successfully petitioned the state legislature for authorization to permit the municipality to impose sanctions consistent with state statute. Fines collected remain within the municipality; and, in some instances, are allocated for use by the police department and/or substance abuse prevention coalition.

Statewide, additional community coalitions successfully advocated for municipal regulations and ordinances which limit tobacco use, particularly in settings where youth are present. Ordinances were enacted which prohibit tobacco use at municipally-owned athletic and recreational fields and beaches; and at municipally-sponsored events which involve underage youth. During FY 2012, community coalitions also continued to monitor compliance with these ordinances. Community coalitions assist schools in complying with the State law which prohibits smoking on school property by collaborating in developing and enforcing school substance abuse policies. One coalition, for example, having purchased a smoke detection and silent alarm system for the high school public restrooms, monitors the use of the detection system and another provides bathroom monitors.

The Providence coalition also successfully advocated for extending the State's ban on smoking in school buildings to all Providence School Department property, including vehicles.

In addition, the majority of community coalitions implemented campaigns to educate all community members about the risks associated with tobacco use,

including the harmful effects of environmental tobacco smoke. These campaigns include: Kick Butts Day, World No Tobacco Day and the Great American Smokeout. Many of the schools districts have Varsity Athletes Against Substance Abuse (VAASA) groups in the high schools. These students act as role models for younger students and do some education regarding tobacco. Several community coalitions received funding through the State's Communities Putting Prevention to Work grant to conduct environmental scans focusing on product placement and emerging tobacco products. Community coalitions also have provided resources to assist current tobacco users who wish to quit or offered referrals to state-sponsored cessation programs. Many of these cessation initiatives were done in collaboration with school student assistance counselors whose positions were funded (80%) through the SSA.

During the FY 2012 state legislative session, the State's tobacco control coalition (RITN) advocated for passage of several pieces of legislation intended to reduce youth access to tobacco and to improve health outcomes by reducing tobacco use by RI residents, especially youth. The RITN successfully advocated for an increase in the cigarette tax and fought attempts to reduce the cigarette tax. These efforts helped to keep RI's tax second-highest in the country. The RITN also supported legislation which, as of 7/1/12, changed the definition of a little cigar to ensure that these items are taxed at the same rate as cigarettes.

In March of 2010, RI was awarded ARRA funding through the Communities Putting Prevention to Work program to implement a comprehensive tobacco prevention program in the City of Providence. The SSA's Chief of Staff represented BHDDH on the Leadership Team for this initiative which is led by the Providence RISAPA task force (Mayor's Substance Abuse Prevention Council). The campaign included development of strategies designed to restrict tobacco access as well as marketing. Cessation services for the uninsured are being provided through the Providence Community Health Centers; a smoke-free policy is being implemented in most Providence Housing Authority sites; a school-based initiative will result in smoke-free school campuses (expanding the current state ban on smoking in school buildings); and restrictions will be placed on tobacco sponsorships in the Providence public school system. A key focus of the initiative provides funding to community-based organizations within the City to reach culturally-diverse populations that are disparately impacted by tobacco-related disease. The component focusing on restricting access included implementation of a City ordinance which mirrors the State's youth access statute and supports police enforcement of the ordinance through annual inspections of all licensed outlets in the City. On-site education of all retail tobacco licensees was conducted. The City also adopted several ordinances intended to reduce youth access to tobacco products including one which prohibits the sale of flavored tobacco products within the City and another which prohibits a retailer from redeeming coupons for free tobacco products or products at less than the listed or non-discounted price. These ordinances were the target of a lawsuit by tobacco manufacturers and their

implementation was delayed until the lawsuit was dismissed. These ordinances are now scheduled to go into effect in January, 2013.

Several other community coalitions have indicated their intent to advocate for similar ordinances, pending final resolution of the lawsuit.

RI was awarded a contract to administer the FDA Tobacco Inspection Program in 2011 and began conducting inspections in February, 2012. During the first contract year, RI conducted Advertising and Labeling Inspections of all retail tobacco outlets in the State and Undercover Buy (UB) inspections at approximately one-third of the outlets, primarily in the City of Providence. In most instances, the officers conducting the UB inspections are the same officers who conduct the Synar compliance inspections. As a result, most of these officers have indicated that they will use the results of the FDA inspections to conduct additional state enforcement checks of those outlets found to be in violation of the federal Tobacco Control Act.

In response to evidence that underage youth use of non-cigarette tobacco products has increased considerably; e.g., cigar smoking rates among high school youth in Providence exceeds cigarette use rates, RI focused its efforts on reducing youth access to non-cigarette tobacco products. Community education efforts, increasing the tax on little cigars, and product placement environmental scans are intended to reduce youth cigar smoking rates.

**f. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey? ☒ Yes ☐ No**

*If “Yes” to 5f, please describe the State’s procedure for minimizing risk of bias to the survey results from retailers alerting each other to the presence of the survey teams:*

Several municipal police departments have made the decision to issue citations as a result of the survey inspections. Police were instructed not to cite until all inspections were completed within their jurisdiction and reported back that this procedure has been followed. For the majority of inspections conducted as part of the survey, citations were not issued.

**g. Please describe the relationship between the State’s Synar program and the Food and Drug Administration-funded enforcement program:**

The Dept. of Behavioral Healthcare, Developmental Disabilities and Hospitals was awarded the contract to administer the FDA Tobacco Inspection Program in the State. RI has not integrated the two programs but intends to do so in the future.

## **SYNAR SURVEY METHODS AND RESULTS**

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2012 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

6. Has the sampling methodology changed from the previous year? ☐ Yes ☒ No

*The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.*

7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets (*see 45 C.F.R. 96.130(d)(2)*).

- a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data? ☒ Yes ☐ No

*If Yes, attach SSES summary tables 1, 2, 3, and 4 to the hard copy of the ASR and upload a copy of SSES tables 1–5 (in Excel) to WebBGAS. Then go to Question 8. If No, continue to Question 7b.*

- b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, the standard error, accuracy rate (number of eligible outlets divided by the total number of sampled outlets), and completion rate (number of eligible outlets inspected divided by the total number of eligible outlets).

Unweighted RVR \_\_\_\_\_

Weighted RVR \_\_\_\_\_

Standard error (s.e.) of the (weighted) RVR \_\_\_\_\_

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.

_____	+	(1.645	×	_____)	=	_____
<b>RVR Estimate</b>	<b>plus</b>	<b>(1.645</b>	<b>times</b>	<b>Standard Error )</b>	<b>equals</b>	<b>Right Limit</b>

Accuracy rate \_\_\_\_\_

Completion rate \_\_\_\_\_

- c. Fill out Form 1 in Appendix A (Forms1–5). (*Required regardless of the sample design.*)

- d. How were the (weighted) RVR estimate and its standard error obtained? (*Check the one that applies.*)

☐ Form 2 (Optional) in Appendix A (Forms 1–5) (*Attach completed Form 2.*)

☐ Other (*Please specify. Provide formulas and calculations or attach and explain the program code and output with description of all variable names.*)

- e. If stratification was used, did any strata in the sample contain only one outlet or cluster this year? ☐ Yes ☐ No ☐ No stratification

*If Yes, explain how this situation was dealt with in variance estimation.*

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**f. Was a cluster sample design used?** ☐ **Yes** ☐ **No**

*If **Yes**, fill out and attach Form 3 in Appendix A (Forms 1–5), and answer the following question.*

*If **No**, go to Question 7g.*

**Were any certainty primary sampling units selected this year?** ☐ **Yes** ☐ **No**

*If **Yes**, explain how the certainty clusters were dealt with in variance estimation.*

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**g. Report the following outlet sample sizes for the Synar survey.**

	Sample Size
<b>Effective sample size</b> (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
<b>Target sample size</b> (the product of the effective sample size and the design effect)	
<b>Original sample size</b> (inflated sample size of the target sample to counter the sample attrition due to ineligibility and noncompletion)	
<b>Eligible sample size</b> (number of outlets found to be eligible in the sample)	
<b>Final sample size</b> (number of eligible outlets in the sample for which an inspection was completed)	

**h. Fill out Form 4 in Appendix A (Forms 1–5).**

**8. Did the State’s Synar survey use a list frame?** ☒ Yes ☐ No

*If Yes, answer the following questions about its coverage.*

**a. The calendar year of the latest frame coverage study:** 2009

**b. Percent coverage from the latest frame coverage study:** 90.0 %

**c. Was a new study conducted in this reporting period?** ☐ Yes ☒ No

*If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.*

**d. The calendar year of the next coverage study planned:** 2013

**9. Has the Synar survey inspection protocol changed from the previous year?**

☐ Yes ☒ No

*The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.*

**a. Provide the inspection period:** From 08/01/12 to 09/25/12  
MM/DD/YY MM/DD/YY

**b. Provide the number of youth inspectors used in the current inspection year:**

50

NOTE: If the State uses SSES, please ensure that the number reported in 9b matches that reported in SSES Table 4, or explain any difference.

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**c. Fill out and attach Form 5 in Appendix A (Forms 1–5).** *(Not required if the State used SSES to analyze the Synar survey data.)*

## SECTION II: FFY 2013 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

### 1. In the upcoming year, does the State anticipate any changes in:

Synar sampling methodology ☐ Yes ☒ No

Synar inspection protocol ☐ Yes ☒ No

*If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.*

### 2. Please describe the State's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2013. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

In June, 2011, BHDDH was awarded a contract to administer the federal FDA state Tobacco Inspection Program and began conducting inspections of all licensed retail tobacco outlets in the State. As of June, 2012, all licensed outlets had received one Advertising and Labeling (A&L) Inspection and approximately one-third had received an Undercover Buy (UB) Inspection. In FFY 13, BHDDH will prioritize inspections of all outlets which have not yet received a UB Inspection. Potential violations observed during FDA-funded inspections will be used as the basis for follow-up inspections conducted by municipal police departments and/or by the RI Division of Taxation in collaboration with other federal and State agencies, depending on the nature of the violation. These follow-up inspections will be conducted to determine compliance with State statutes and regulations; and focusing these enforcement efforts on sites where potential violations already have been observed will enable the State to better utilize limited State resources. In FFY 2013, despite an anticipated budget deficit, RI will continue to allocate State funds for the purpose of conducting the annual Synar Survey and on-going enforcement of the State's youth access statute.

In FFY 13, BHDDH will again conduct the annual Synar Survey over a two-month period. Inspections conducted as part of the Survey will not be combined with FDA-sponsored compliance inspections. However, BHDDH intends to integrate these two programs and will work with our federal and local partner agencies to develop an integration plan. With assistance from the GIS specialist at the Department of Health, BHDDH also will complete a new Synar Coverage Study and report the results prior to June 30, 2013.

Over the previous three Survey cycles, BHDDH expanded the menu of tobacco products youth inspectors could request based on anecdotal evidence that underage youth were able to purchase non-cigarette tobacco products more easily than they were able to purchase cigarettes. That assumption was borne out in the results of the 2010 Survey for the City of Providence where the violation rate increased from 9.6 in 2009 to 19.6 in 2010 and all of the

products with one exception were for little or regular cigars. The results of the 2011 Youth Risk Behavior Survey conducted for the City as part of the Communities Putting Prevention to Work grant also showed that the rates of cigar smoking for 12 graders in the City exceeded that for cigarette smoking.

For the 2013 Synar Survey, BHDDH encouraged all of the police officers participating in the Survey to instruct the youth surveyors to request non-cigarette tobacco products if the products were readily available in the outlet and the youth felt comfortable in doing so. In the cases where the requested product was identified on the survey form (regardless of the outcome of the purchase attempt), it appears that the violation rate for cigar products significantly exceeded that for cigarettes. Therefore, again in FFY 2013, BHDDH will focus State-supported enforcement and educational efforts on decreasing underage sales of non-cigarette products and on reducing underage use of such products. BHDDH will report the results of the most recent Synar Survey to municipal police officers, focusing on the non-cigarette violations, and will encourage the officers to focus their enforcement efforts on these products. BHDDH, in conjunction with the RI Department of Health, will make resource material available to both the BHDDH-funded community prevention coalitions and to other organizations participating in the RI Tobacco Control Network to support community education efforts.

If the ruling allowing the City of Providence to institute a ban on the sale of all flavored (non-menthol) tobacco products is upheld on appeal, Providence will begin enforcing the ban in January, 2013. Providence police who currently serve as FDA commissioned officers and also conduct Synar-related inspections will be tasked with enforcing the City ordinance which is expected to significantly reduce youth access to these products in the City. Other municipalities intend to follow Providence in adopting similar ordinances which should help to reduce youth access statewide. Providence's other ordinance, which prohibits retailers from redeeming coupons, etc. for tobacco products and other discount schemes, also will go in effect in January, 2013 with similar enforcement provisions and is expected to be adopted by other municipalities.

In addition, the RI Tobacco Control Network will continue to advocate for State tax parity for all tobacco products to reduce the attraction of lower-cost tobacco products to underage children.

In FFY 2013, BHDDH will continue to require the contracted community prevention coalitions to address tobacco prevention as a condition for receipt of State funding. BHDDH staff will meet with coalition coordinators to discuss the results of the most recent Synar Survey and will request that they focus their tobacco prevention efforts on the underage use of non-cigarette products.

In November, 2011, BHDDH funded nine communities for \$650,000 under a Reducing Marijuana and Other Drug Initiative to implement evidence-based programming in their high schools. The program goals are to reduce the use of marijuana and other drugs and to increase the percentage of youth expressing disapproval of use of marijuana and other drugs. Funding for this program is from the Substance Abuse Prevention and Treatment Block Grant (SAPTBG). While not directly targeting cigar use, it is expected that a reduction in youth marijuana use will tangentially reduce the underage use of cigars used as wrappers for "blunts."



As stated in previous Synar Reports, RI's youth access to tobacco statute was amended to effectively remove license suspension or revocation as a sanction for repeated violations of the statute. Many of the prevention coalitions have expressed their intent to advocate for local retail tobacco outlet registration ordinances which would permit local adjudication of underage sales violations. BHDDH will support these efforts as an effective strategy to address the problem of a small percentage of repeat violators who are not deterred by existing monetary penalties.

BHDDH will work collaboratively with the Dept. of Health and the RI Tobacco Control Network to develop and implement tobacco prevention and cessation programs as well as to advocate for policies that serve to reduce youth access and youth tobacco use.

BHDDH will update the Retailer's Tobacco Guide and post the updated manual on the Department's website. BHDDH also will participate in efforts to educate retailers about the federal Tobacco Control Act's mandates.

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**3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply.)**

- ☒ Limited resources for law enforcement of youth access laws
- ☒ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☒ Limitations in the State youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☐ Difficulties recruiting youth inspectors
- ☐ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☐ Issues regarding sources of tobacco under tribal jurisdiction
- ☒ Other challenges (*Please list.*) low taxes on non-cigarette tobacco products

*Briefly describe all checked challenges and propose a plan for each, or indicate the State's need for technical assistance related to each relevant challenge.*

There are several ongoing challenges that Rhode Island faces in complying with the Synar regulation:

While funding to support the annual Synar Survey has remained stable over the past few cycles, the current funding level is not sufficient to support inspection of all retail outlets statewide, particularly in those communities that receive only minimum funding. As the cost of conducting the Survey increases, absent an increase in state

funding levels, it will become more difficult to secure the cooperation of the municipal police departments that also are facing reductions in their local budgets.

BHDDH will continue to rely on the strong partnerships it has established with Department of Health's funded community agencies, the RI Tobacco Control Network, BHDDH-funded community coalitions and the RI Police Chiefs Association to ensure continuation of enforcement efforts at the local level. Potential violations observed during FDA-sponsored inspections will be utilized together with the citation history for previous state statute violations to focus enforcement efforts on repeat violators.

A second ongoing issue is the 2005 amendment to the State's youth access statute which effectively removed license suspension and revocation as a sanction for repeat violations of the statute. The current State Strategic Plan for Tobacco Control includes recommendations for strengthening the youth access statute. However, community-based advocacy to strengthen the statute has not been successful. Therefore, BHDDH will support efforts by BHDDH-funded community coalitions and other community-based organizations to adopt local retail tobacco vendor registration with local enforcement.

Local police departments continue to report that repeat violators of the youth access statute also engage in other behaviors such as selling loose cigarettes, selling unstamped and/or counterfeit cigarettes; and transferring licenses to family members or employees if cited. BHDDH worked with the Division of Taxation and with municipal police departments to enforce the statute prohibiting license transfer pending resolution of outstanding penalties. In part due to the advocacy of our community partners, Taxation received state funding which allowed them to hire four additional inspectors (two of whom previously conducted Synar inspections). The addition of these inspectors will permit additional enforcement efforts and increased collaboration among Taxation, municipal police departments and BHDDH.

A third challenge has been and continues to be the accuracy of the state tobacco outlet license list. Achieving greater than 90% accuracy continues to be a labor-intensive project for BHDDH as this license list is maintained by the RI Division of Taxation. Due to ongoing staff shortages at Taxation, the list of retail outlet licenses is not completely current. BHDDH will continue to work with staff at Taxation to improve the accuracy of the list. BHDDH also will continue to utilize the information obtained from FDA-sponsored inspections to update the master data file maintained within BHDDH.

RI has had considerable success in reducing youth smoking rates due, in part, to the State's cigarette tax being raised to become the second highest in the nation. However, despite efforts by community prevention advocates, the state tax on cigars continues to be capped at \$.50. This policy has served to make flavored and unflavored blunts and so-called little cigars to be an attractive alternative to cigarettes, particularly among underage individuals. BHDDH will continue to work in collaboration with the Department of Health and the RI Tobacco Control Network to remove the cap on the cigar tax and to achieve tax parity on all tobacco and nicotine-based products (other than nicotine replacement products).

BHDDH would appreciate technical assistance in developing a plan to integrate the Synar and FDA inspection programs as we believe that combining these efforts will help the State to overcome the challenges as described.

## APPENDIX A: FORMS 1–5

### FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 1 to report sampling frame and sample information and to calculate the unweighted retailer violation rate (RVR) using results from the current year’s Synar survey inspections.

**Instructions for Completing Form 1:** In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2013). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

1(a) Sequentially number each row.

1(b) Write in the name of each stratum. All strata in the State must be listed.

*If no stratification was used:*

1(a) Leave blank.

1(b) Write “State” in the first row (indicates that the whole State is a single stratum).

*Note for unstratified samples: For Columns 2–5, wherever the instruction refers to “each stratum,” report the specified information for the State as a whole.*

Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.  
2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.  
2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

Column 3: 3(a) Report the estimated number of eligible OTC outlets in the OTC outlet population in each stratum.  
3(b) Report the estimated number of eligible VM outlets in the VM outlet population in each stratum.  
3(c) Report the combined total estimated number of eligible OTC and VM outlets in the total outlet population in each stratum.

*The estimates for Column 3 can be obtained from the Synar survey sample as the weighted sum of eligible outlets by outlet type.*

Column 4: 4(a) Report the number of eligible OTC outlets for which an inspection was completed, for each stratum.  
4(b) Report the numbers of eligible VM outlets for which an inspection was completed, for each stratum.  
4(c) Report the combined total of eligible OTC and VM outlets for which an inspection was completed, for each stratum.

Column 5: 5(a) Report the number of OTC outlets found in violation of the law as a result of completed inspections, for each stratum.  
5(b) Report the number of VM outlets found in violation of the law as a result of completed inspections, for each stratum.  
5(c) Report the combined total of OTC and VM outlets found in violation of the law as a result of completed inspections, for each stratum.

Totals: For each subcolumn (a–c) in Columns 2–5, provide totals for the State as a whole in the last row of the table. These numbers will be the sum of the numbers in each row for the respective column.

**States not using the Synar Survey Estimation System [SSES] to analyze the Synar Survey data.)**

[illegible]

**FORM 2 (Optional)**

**Appropriate for stratified simple or systematic random sampling designs.**

Complete Form 2 to calculate the weighted RVR. This table (in Excel form) is designed to calculate the weighted RVR for stratified simple or systematic random sampling designs, accounting for ineligible outlets and noncomplete inspections encountered during the annual Synar survey.

**Instructions for Completing Form 2:** In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2013).

- Column 1: Write in the name of each stratum into which the sample was divided. These should match the strata reported in Column 1(b) of Form 1.
- Column 2: Report the number of outlets in the sampling frame in each stratum. These numbers should match the numbers reported for the respective strata in Column 2(c) of Form 1.
- Column 3: Report the original sample size (the number of outlets originally selected, *including* substitutes or replacements) for each stratum.
- Column 4: Report the number of sample outlets in each stratum that were found to be eligible during the inspections. Note that this number must be less than or equal to the number reported in Column 3 for the respective strata.
- Column 5: Report the number of eligible outlets in each stratum for which an inspection was completed. Note that this number must be less than or equal to the number reported in Column 4. These numbers should match the numbers reported in Column 4(c) of Form 1 for the respective strata.
- Column 6: Report the number of eligible outlets inspected in each stratum that were found in violation. These numbers should match the numbers reported in Column 5(c) of Form 1 for the stratum.
- Column 7: Form 2 (in Excel form) will automatically calculate the stratum RVR for each stratum in this column. This is calculated by dividing the number of inspected eligible outlets found in violation (Column 6) by the number of inspected eligible outlets (Column 5). The State unweighted RVR will be shown in the Total row of Column 7.
- Column 8: Form 2 (in Excel form) will automatically calculate the estimated number of eligible outlets in the population for each stratum. This calculation is made by multiplying the number of outlets in the sampling frame (Column 2) times the number of eligible outlets (Column 4) divided by the original sample size (Column 3). Note that these numbers will be less than or equal to the numbers in Column 2.
- Column 9: Form 2 (in Excel form) will automatically calculate the relative stratum weight by dividing the estimated number of eligible outlets in the population for each stratum in Column 8 by the Total of the values in Column 8.
- Column 10: Form 2 (in Excel form) will automatically calculate each stratum's contribution to the State weighted RVR by multiplying the stratum RVR (Column 7) by the relative stratum weight (Column 9). The weighted RVR for the State will be shown in the Total row of Column 10.
- Column 11: Form 2 (in Excel form) automatically calculates the standard error of each stratum's RVR (Column 7). The standard error for the State weighted RVR will be shown in the Total row of Column 11.
- TOTAL: For Columns 2–6, Form 2 (in Excel form) provides totals for the State as a whole in the last row of the table. For Columns 7–11, it calculates the respective statistic for the State as a whole.

**FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.**

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: 2013
(1) Stratum Name	(2) N Number of Outlets in Sampling Frame	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) p=x/n2 Stratum Retailer Violation Rate	(8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population	(9) w=N'/Total Column 8 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
<b>Total</b>										

- N - number of outlets in sampling frame
- n - original sample size (number of outlets in the original sample)
- n1 - number of sample outlets that were found to be eligible
- n2 - number of eligible outlets that were inspected
- x - number of inspected outlets that were found in violation
- p - stratum retailer violation rate ( $p=x/n2$ )
- N' - estimated number of eligible outlets in population ( $N'=N*n1/n$ )
- w - relative stratum weight ( $w=N'/\text{Total Column 8}$ )
- pw - stratum contribution to the weighted RVR
- s.e. - standard error of the stratum RVR

**FORM 3 (Required when a cluster design is used for all States not using the Synar Survey Estimation System [SSES] to analyze the Synar survey data.)**

Complete Form 3 to report information about primary sampling units when a cluster design was used for the Synar survey.

**Instructions for Completing Form 3:** In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2013).

Provide information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: Sequentially number each row.

Column 2: *If stratification was used:* Write in the name of stratum. All strata in the State must be listed.

*If no stratification was used:* Write “State” in the first row to indicate that the whole State constitutes a single stratum.

Column 3: Report the number of primary sampling units (PSUs) (i.e., first-stage clusters) created for each stratum.

Column 4: Report the number of PSUs selected in the original sample for each stratum.

Column 5: Report the number of PSUs in the final sample for each stratum.

TOTALS: For Columns 3–5, provide totals for the State as a whole in the last row of the table.

Summary of Clusters Created and Sampled				
State: _____				
FFY: 2013				
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
<b>Total</b>				



**FORM 4 (Required for all States not using the Synar Survey Estimation System [SSES] to analyze the Synar Survey data)**

Complete Form 4 to provide detailed tallies of ineligible sample outlets by reasons for ineligibility and detailed tallies of eligible sample outlets with noncomplete inspections by reasons for noncompletion.

**Instructions for Completing Form 4:** In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2013).

Column 1(a): Enter the number of sample outlets found ineligible for inspection by reason for ineligibility. Provide the total number of ineligible outlets in the row marked "Total."

Column 2(a): Enter the number of eligible sample outlets with noncomplete inspections by reason for noncompletion. Provide the total number of eligible outlets with noncomplete inspections in the row marked "Total."

<b>Inspection Tallies by Reason of Ineligibility or Noncompletion</b> <b>State:</b> _____ <b>FFY:</b> 2013			
<b>(1) INELIGIBLE</b>		<b>(2) ELIGIBLE</b>	
<b>Reason for Ineligibility</b>	<b>(a) Counts</b>	<b>Reason for Noncompletion</b>	<b>(a) Counts</b>
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive-thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Ran out of time	
Duplicate		Other noncompletion reason(s) ( <i>Describe.</i> )	
Other ineligibility reason(s) ( <i>Describe.</i> )			
<b>Total</b>		<b>Total</b>	

**FORM 5 (Required for all States not using the Synar Survey Estimation System [SSES] to analyze the Synar survey data)**

Complete Form 5 to show the distribution of outlet inspection results by age and gender of the youth inspectors.

**Instructions for Completing Form 5:** In the top right-hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2013).

Column 1: Enter the number of attempted buys by youth inspector age and gender.

Column 2: Enter the number of successful buys by youth inspector age and gender.

If the inspectors are age eligible but the gender of the inspector is unknown, include those inspections in the "Other" row. Calculate subtotals for males and females in rows marked "Male Subtotal" and "Female Subtotal." Sum subtotals for Male, Female, and Other and record in the bottom row marked "Total." Verify that the total of attempted buys and successful buys equals the total for Column 4(c) and Column 5(c), respectively, on Form 1. If the totals do not match, please explain any discrepancies.

<b>Synar Survey Inspector Characteristics</b>		
		<b>State:</b> _____
		<b>FFY:</b> 2013
	(1) Attempted Buys	(2) Successful Buys
<b>Male</b>		
15 years		
16 years		
17 years		
18 years		
<b>Male Subtotal</b>		
<b>Female</b>		
15 years		
16 years		
17 years		
18 years		
<b>Female Subtotal</b>		
<b>Other</b>		
<b>Total</b>		

## **APPENDIXES B & C: FORMS**

### Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the State's CSAP-approved sampling design and inspection protocol. These appendixes, therefore, should generally describe the design and protocol and, with the exception of Question #10 of Appendix B, are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance, written approval. To facilitate the State's completion of this section, simply cut and paste the previously approved sampling design (Appendix B) and inspection protocol (Appendix C).

## APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: RI  
FFY: 2013

**1. What type of sampling frame is used?**

- ☒ List frame (*Go to Question 2.*)  
☐ Area frame (*Go to Question 3.*)  
☐ List-assisted area frame (*Go to Question 2.*)

**2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (*After completing this question, go to Question 4.*)**

*Use the corresponding number to indicate Type of Source in the table below.*

- |   |  |
|---|--|
| 1 – Statewide commercial business list    | 4 – Statewide retail license/permit list |
| 2 – Local commercial business list        | 5 – Statewide liquor license/permit list |
| 3 – Statewide tobacco license/permit list | 6 – Other                                |

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
State tobacco license list	3	RI Div. of Taxation - licenses renewed annually for \$25 fee	The list is updated at least quarterly. Annually, Taxation sends out renewal notices and updates list based on new licenses and renewals. List is cleaned based on reconstructing previous year's list and survey responses as well as on the results of FDA inspections

**3. If an area frame is used, describe how area sampling units are defined and formed.**

- a. Is any area left out in the formation of the area frame? ☐ Yes ☐ No

*If Yes, what percentage of the State's population is not covered by the area frame?*  
 \_\_\_\_\_%

**4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey? ☒ Yes ☐ No**

If **No**, please indicate the reason they are not included in the Synar survey.

- ☐ State law bans vending machines.
- ☐ State law bans vending machines from locations accessible to youth.
- ☐ State has SAMHSA approval to exempt vending machines from the survey.
- ☐ Other (Please describe.) \_\_\_\_\_

**5. Which category below best describes the sample design? (Check only one.)**

- ☐ **Census** (STOP HERE: Appendix B is complete.)

**Unstratified statewide sample:**

- ☒ Simple random sample (Go to Question 9.)
- ☐ Systematic random sample (Go to Question 6.)
- ☐ Single-stage cluster sample (Go to Question 8.)
- ☐ Multistage cluster sample (Go to Question 8.)

**Stratified sample:**

- ☐ Simple random sample (Go to Question 7.)
- ☐ Systematic random sample (Go to Question 6.)
- ☐ Single-stage cluster sample (Go to Question 7.)
- ☐ Multistage cluster sample (Go to Question 7.)
- ☐ **Other** (Please describe and go to Question 9.) \_\_\_\_\_

**6. Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)**

**7. Provide the following information about stratification.**

**a. Provide a full description of the strata that are created.**

**b. Is clustering used within the stratified sample?**

- ☐ **Yes** (Go to Question 8.)
- ☐ **No** (Go to Question 9.)

**8. Provide the following information about clustering.**

**a. Provide a full description of how clusters are formed. (If multistage clusters are used, give definitions of clusters at each stage.)**

**b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.**

**9. Provide the formulas for determining the effective, target, and original outlet sample sizes.**

The effective sample size (n) is calculated to achieve a 95% confidence interval + 3%:

$n = 1/[se^2/(p*q))] + (1/N)]$  where

n = sample size

N = sampling frame size, or universe of outlets statewide

p = proportion of unsuccessful buys (.80)

q = proportion of successful buys (.20)

z = z-score for level of confidence of .95 (1.645)

CI = confidence interval + range (.03)

The target sample size is calculated as the effective sample size x the design effect (which is 1)

The original outlet sample size is calculated as the target sample size x (1 + the overdraw factor). The overdraw factor for this FFY is .50. (Please note that at n above, " 2" represents

se squared)

**10. Provide the following information about sample size calculations for the current FFY Synar survey.**

- a. If the State uses the sample size formulas embedded in the Synar Survey Estimation System (SSES) Sample Size Calculator, please provide the following information:**

**Inputs for Effective Sample Size:**

RVR:

Frame Size:

**Input for Target Sample Size:**

Design Effect:

**Inputs for Original Sample Size:**

Safety Margin:

Accuracy (Eligibility) Rate:

Completion Rate:

- b. If the State does not use the sample size formulas embedded in the SSES Sample Size Calculator, please provide all inputs required to calculate the effective, target, and original sample sizes as indicated in Question 9.**

N = 1305

p = .8

q = .2

z = 1.645

CI = .03

effective sample size = 351

oversample by 50% = 527

## APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: RI  
FFY: 2013

*Note: Upload to WebBGAS a copy of the Synar inspection form under the heading “Synar Inspection Form” and a copy of the protocol used to train inspection teams on conducting and reporting the results of the Synar inspections under the heading “Synar Inspection Protocol.”*

### 1. How does the State Synar survey protocol address the following?

#### a. Consummated buy attempts?

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Required                     | <input type="checkbox"/> Not permitted             |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

#### b. Youth inspectors to carry ID?

- |  |  |
|--|--|
| <input type="checkbox"/> Required                                | <input checked="" type="checkbox"/> Not permitted  |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

#### c. Adult inspectors to enter the outlet?

- |  |   |
|--|---|
| <input type="checkbox"/> Required                                | <input type="checkbox"/> Not permitted                        |
| <input type="checkbox"/> Permitted under specified circumstances | <input checked="" type="checkbox"/> Not specified in protocol |

#### d. Youth inspectors to be compensated?

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Required                     | <input type="checkbox"/> Not permitted             |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

### 2. Identify the agency(ies) or entity(ies) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply.)

- ☒ Law enforcement agency(ies)  
☐ State or local government agency(ies) other than law enforcement  
☐ Private contractor(s)  
☐ Other

List the agency name(s): \_\_\_\_\_

### 3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement representatives issue warnings or citations to retailers found in violation of the law at the time of the inspection?)?

- ☐ Always   ☐ Usually   ☐ Sometimes   ☒ Rarely   ☐ Never



**4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.**

Recruitment and training of youth is primarily done by each police department with assistance from their community prevention coalition (RISAPA task force) as well as through RI Mothers Against Drunk Driving. Some youth participants also received training from the FDA Youth Coordinator. Almost all of the adult law enforcement officers supervising the youth participants were previously trained by BHDDH in conjunction with the Municipal Police Training Academy. Law enforcement officers not previously trained, were trained individually by BHDDH staff.

**5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?**

**a. Legal** ☒ **Yes** ☐ **No** (*If Yes, please describe.*)

RI General Laws Title 11 Criminal Offenses Chapter 11-9 Children (11-9-13.6)

Underage individuals, acting as agents for the department of mental health, retardation and hospitals and with the written permission of parent or guardian, may purchase, with impunity from prosecution, tobacco products for the purposes of law enforcement or government research involving monitoring compliance with this chapter, provided that the underage individuals are supervised by an adult law enforcement official. Any individual participating in an unannounced compliance check of over the counter or vending machine sales, must state his or her accurate

age if asked by the sales representative of the retail establishment being checked.

**b. Procedural** ☒ **Yes** ☐ **No** (*If Yes, please describe.*)

Synar Survey Protocol:

**Survey Times:** The survey should be conducted during the day or evening when the outlets to be inspected are likely to be open for business.

**Survey Sites:** Survey those outlets for which you receive a pre-printed survey form. If the outlet is closed, no longer sells tobacco products, or if conditions are unsafe for inspecting, note this information on the data collection form with an explanation for the reason why the purchase attempt was not completed.

**Additional Sites:** If you will be surveying additional sites either immediately following inspection of assigned sites or a part of ongoing enforcement efforts, please complete all assigned inspections before inspecting additional sites. Included with the survey materials are a current list of all licensed retail tobacco outlets within your municipality and blank survey forms which may be copied as required.

**Survey Teams:** Survey teams preferably should consist of one police officer and two youth surveyors.

## Procedures:

Each participating law enforcement official will receive the survey forms for the sites for which she or he is responsible.

Due to federal guidelines regarding the survey process, it is critical that you only survey sites for which you have received a report form; no site substitution is allowed for the survey. Purchase attempts at additional sites are permitted.

Police officers are to drive surveyors to the selected site in an unmarked police vehicle.

Police officers should park cars in a location where the surveyor can enter and exit the car and the establishment safely but not be in direct view of the survey site's employees.

The youth will enter the establishment and attempt to make a purchase if:

- ☐ There are no police officers who are not part of the survey team present in the establishment.
- ☐ The youth, upon entering the establishment determines that she or he does not know anyone present.
- ☐ The situation does not appear to be dangerous.

Please note: For the 2012 survey, there has been a change in the list of tobacco products eligible for purchase during the survey. This change was made as a result of feedback from police departments indicating that the previously eligible products were not the ones underage youth in their respective communities were likely to purchase; thereby alerting clerks that a survey was in progress. If you are aware that underage youth in your community are using tobacco products other than cigarettes such as Snus or cigars/blunts or that a vendor sells loose cigarettes; please have the youth surveyor attempt to purchase such products. Products eligible for purchase are listed on the bottom of the inspection forms.

Surveyors are to leave their ID in the vehicle with the officer.

If asked their age, the surveyor must be truthful (per State law); and if asked for ID, they are to answer that they don't have any with them.

If a purchase attempt is successful, the surveyor is to pay for the product and leave the establishment quickly.

Prior to inspecting tobacco vending machines, please explain to the youth surveyor that the machines should have a locking device which must be unlocked by a clerk in order for a purchase to be made. The youth should make an initial check of the machine to determine if the machine is locked. If the machine is not locked, the youth should attempt to make the purchase without approaching a clerk. If the

machine is locked, the youth should ask the clerk to unlock it so that a purchase can be made.

Upon completion of each inspection, the youth surveyor is to complete the survey form prior to moving to the next site. Also, if a purchase is made, the tobacco product is to be turned over to the law enforcement official immediately upon return to the vehicle.

Beginning with this year's survey, we are asking survey teams to document on the report form the tobacco product the youth surveyor attempted to purchase regardless of the outcome of the purchase attempt.

Surveyors:

BHDDH has a group of trained youth inspectors available to assist with the annual survey and with ongoing enforcement efforts. These youth have been trained in conducting compliance inspections, have been age-rated, and have all parental consent form information on file at the Department. If you will be recruiting the youth surveyors yourself, Maureen Mulligan at BHDDH can assist you with this process. She may be reached at 462- 3051 or [maureen.mulligan@bhddh.ri.gov](mailto:maureen.mulligan@bhddh.ri.gov). Please inform her that you will be conducting Synar compliance inspections.

Surveyors MUST be between the age of 16 and 17. Please do not use youth who are or who appear to be either older or younger than these ages in conducting the survey and/or compliance checks.

**6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?**

a. Legal ☐ Yes ☒ No (If Yes, please describe.)

b. Procedural ☒ Yes ☐ No (If Yes, please describe.)

Please see survey protocol as detailed in the above question

**7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?**

a. Legal ☒ Yes ☐ No (If Yes, please describe.)

RI Gen Laws Title 11 Criminal Offenses Chapter 11-9 Children

§ 11-9-13.6 Duties of the department of mental health, retardation and hospitals. – The department of mental health, retardation and hospitals shall:

(1) Coordinate and promote the enforcement of the provisions of this chapter and serve as the primary liaison from this department to other state or local agencies,

departments, or divisions on issues pertaining to stopping children's access to tobacco.

(2) Provide retail tobacco products dealers signs concerning the prohibition of sales to children under eighteen (18) years of age. The signs, conforming to the requirements of this chapter, shall be sold at cost. This sign, or an exact duplicate of it made privately, shall be displayed in all locations where tobacco products are sold.

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(3) Investigate concurrently with other state and local official's violations of this chapter.

(4) Utilize unannounced statewide compliance checks of tobacco product sales including retail tobacco over-the-counter sales, mail order sales initiated via mail, facsimile, telephone or internet ordering or other types of electronic communications, and tobacco vending machine sales as part of investigating compliance with the provisions of this chapter. Underage individuals, acting as agents for the department of mental health, retardation and hospitals and with the written permission of a parent or guardian, may purchase, with impunity from prosecution, tobacco products for the purposes of law enforcement or government research involving monitoring compliance with this chapter, provided that the underage individuals are supervised by an adult law enforcement official. Any individual participating in an unannounced compliance check of over-the-counter or vending machine sales, must state his or her accurate age if asked by the sales representative of the retail establishment being checked.

(ii) In fulfilling the requirement of unannounced statewide compliance checks, the department of mental health, retardation and hospitals shall maintain complete records of the unannounced compliance checks, detailing, at least, the date of the compliance check, the name and address of the retail establishment checked or the mail order company, the results of the compliance check (sale/no sale), whether the sale was made as an over-the-counter sale, a mail order purchase or a tobacco vending machine sale, and if a citation was issued for any violation found. The records shall be subject to public disclosure. Further, the department of mental health, retardation and hospitals shall report to the owner of each retail establishment checked or mail order company, the results of any compliance check (sale/no sale) whether the sale was made as an over-the-counter sale, a mail order

purchase or a tobacco vending machine sale, and if a citation was issued for any violation found.

(5) Seek enforcement, concurrently with other state and local officials, of the penalties as detailed in this chapter.

(6) Develop and disseminate community health education information and materials relating to this chapter.

**b. Procedural**      ☒ **Yes**    ☐ **No** (*If Yes, please describe.*)

Please see survey protocol as described above

## APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: RI  
FFY: 2013

1. Calendar year of the coverage study: \_\_\_\_\_

2. a. Unweighted percent coverage found: \_\_\_\_\_ %  
b. Weighted percent coverage found: \_\_\_\_\_ %  
c. Number of outlets found through canvassing: \_\_\_\_\_  
d. Number of outlets matched on the list frame: \_\_\_\_\_

3. a. Describe how areas were defined. (e.g., census tracts, counties, etc.)

b. Were any areas of the State excluded from sampling? ☐ Yes ☐ No

*If Yes, please explain.*

4. Please answer the following questions about the selection of canvassing areas.

a. Which category below best describes the sample design? (Check only one.)

☐ Census (Go to Question 6.)

**Unstratified Statewide sample:**

☐ Simple random sample (Respond to Part b.)

☐ Systematic random sample (Respond to Part b.)

☐ Single-stage cluster sample (Respond to Parts b and d.)

☐ Multistage cluster sample (Respond to Parts b and d.)

**Stratified sample:**

☐ Simple random sample (Respond to Parts b and c.)

☐ Systematic random sample (Respond to Parts b and c.)

☐ Single-stage cluster sample (Respond to Parts b, c, and d.)

☐ Multistage cluster sample (Respond to Parts b, c, and d.)

☐ Other (Please describe and respond to Part b.) \_\_\_\_\_

b. Describe the sampling methods.

- c. Provide a full description of the strata that were created.

- d. Provide a full description of how clusters were formed.

5. Were borders of the selected areas clearly identified at the time of canvassing?

☐ Yes ☐ No

6. Were all sampled areas visited by canvassing teams?

☐ Yes (*Go to Question 7.*) ☐ No (*Respond to Parts a and b.*)

- a. Was the subset of areas randomly chosen?

☐ Yes ☐ No

- b. Describe how the subsample of visited areas was drawn. Include the number of areas sampled and the number of areas canvassed.

7. Were field observers provided with a detailed map of the canvassing areas?

☐ Yes ☐ No

*If No, describe the canvassing instructions given to the field observers.*

8. Were field observers instructed to find all outlets in the assigned area?

☐ Yes ☐ No

*If No, respond to Question 9.*

*If Yes, describe any instructions given to the field observers to ensure the entire area was canvassed, then go to Question 10.*

9. If a full canvassing was not conducted:

- a. How many predetermined outlets were to be observed in each area?

- b. What were the starting points for each area? \_\_\_\_\_

- c. Were these starting points randomly chosen? ☐ Yes ☐ No

- d. Describe the selection of the starting points.

- e. Please describe the canvassing instructions given to the field observers, including predetermined routes.

10. Describe the process field observers used to determine if an outlet sold tobacco.

11. Please provide the State's definition of "matches" or "mismatches" to the Synar sampling frame? (i.e., address, business name, business license number, etc).

12. Provide the calculation of the weighted percent coverage (if applicable).